

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(New Albany Division)

FRANK D. TAYLOR

And

CYNTHIA E. TAYLOR

Plaintiffs,

-vs-

JOYFUL GARRINGER

Serve Via Certified Mail

4000 116th Street

Kenosha, WI 53138

And

KENTUCKY FARM BUREAU

MUTUAL INSURANCE COMPANY

Serve Via Certified Mail

L. Gregory Kosse, Process Agent

9201 Bunsen Parkway

Louisville, KY 40220

Defendants.

Case No. 4:21-cv-50

JURY DEMAND

(Electronically filed)

COMPLAINT

Come the Plaintiffs, Frank D. Taylor and Cynthia E. Taylor, by counsel, and for their Complaint against the Defendants, Joyful Garringer and Kentucky Farm Bureau Mutual Insurance Company, state as follows:

Introduction

1. This is an action for damages arising out of bodily injuries, property damage and related other losses sustained by Frank D. Taylor and Cynthia E. Taylor in a motor vehicle accident that occurred on January 19, 2021, in Crothersville, Jackson County, Indiana.

Jurisdiction and Venue

2. Jurisdiction is vested in this court pursuant to 28 U.S.C. § 1332, this being an action based on diversity of citizenship and the amount in controversy exceeds \$75,000.00 for each of the Plaintiffs.

3. Venue is also proper in the Southern District of Indiana since the acts complained of all occurred within this federal district.

Parties

4. Frank D. Taylor is an adult citizen and resident of Rochester, Butler County, Kentucky.

5. Cynthia E. Taylor is an adult citizen and resident of Rochester, Butler County, Kentucky.

6. Joyful Garringer is an adult citizen and resident of Kenosha, Kenosha County, Wisconsin.

7. Kentucky Farm Bureau Mutual Insurance Company (“KFB”) is a Kentucky Mutual Insurance Company with its principal office located at 9201 Bunsen Parkway, Louisville, Kentucky; KFB may be served through its Registered Agent, L. Gregory Kosse, at 9201 Bunsen Parkway, Louisville, Kentucky 40220.

Factual Allegations/Causes of Action

8. On or about January 19, 2021, Frank D. Taylor was a restrained driver traveling northbound on I-65 in Crothersville, Jackson County, Indiana; Cynthia E. Taylor was a restrained front-seat passenger in Frank D. Taylor’s vehicle.

9. Joyful Garringer was also traveling northbound on I-65 when she lost control of her vehicle and hit the trailer being pulled by Frank D. Taylor.

10. Upon impact, both vehicles went out of control and Frank D. Taylor's vehicle struck the cable barrier system in the median, causing extensive damage to the vehicles and the cable system as well as serious injury to Frank D. Taylor and Cynthia E. Taylor.

11. At all times, Frank D. Taylor was operating his vehicle in a safe and lawful manner.

12. At all times, Frank D. Taylor was using his seatbelt in a safe and appropriate manner.

13. At all times, Cynthia E. Taylor was using his seatbelt in a safe and appropriate manner.

14. Joyful Garringer operated her vehicle in a negligent manner by failing to keep a proper lookout, which led to her striking the vehicle occupied by Frank D. Taylor and Cynthia E. Taylor, causing both the operators of both vehicles to lose control.

15. As a direct and proximate result of the negligence of Joyful Garringer, Frank D. Taylor sustained severe and permanent physical injuries.

16. As a direct and proximate result of the negligence of Joyful Garringer, Frank D. Taylor has suffered in the past and will continue to suffer in the future from severe, painful and permanent injuries; Frank D. Taylor has incurred and will continue to incur medical and hospital expenses; and Frank D. Taylor has lost wages and suffered permanent impairment of his ability to labor and earn money.

17. As a direct and proximate result of the negligence of Joyful Garringer, Cynthia E. Taylor sustained severe and permanent physical injuries.

18. As a direct and proximate result of the negligence of Joyful Garringer, Cynthia E. Taylor has suffered in the past and will continue to suffer in the future from severe, painful and permanent injuries; Cynthia E. Taylor has incurred and will continue to incur medical and hospital

expenses; and Cynthia E. Taylor has lost wages and suffered permanent impairment of her ability to labor and earn money.

19. As a direct and proximate result of the negligence of Joyful Garringer, Frank D. Taylor has sustained damages for loss of consortium with respect to Cynthia E. Taylor, his spouse.

20. As a direct and proximate result of the negligence of Joyful Garringer, Cynthia E. Taylor has sustained damages for loss of consortium with respect to Frank D. Taylor, her spouse.

21. As a direct and proximate result of the negligence of Joyful Garringer, Frank D. Taylor has sustained property damage to his 2001 Ford F350 truck, property damage to his 1988 Flatbed Utility Trailer, loss of use of his truck, and loss of or damage to various items of personal property for which he is entitled to recover damages for repair cost, diminution of value and/or loss of use.

22. At the time of the motor vehicle accident, Frank D. Taylor and Cynthia E. Taylor were insured by KFB, Policy No. 0020801129, which provided no-fault benefits and underinsured motorist coverage.

23. Frank D. Taylor and Cynthia E. Taylor are entitled to recover no-fault benefits and underinsured motorist benefits under their policy with KFB.

24. Frank D. Taylor is entitled to recover compensatory damages from Joyful Garringer for past pain and suffering, future pain and suffering, past medical expenses, future medical expenses, lost wages, impairment of their power to labor and earn money, property damage, loss of use damages and loss of spousal consortium damages in an amount in excess of \$75,000.00.

25. Cynthia E. Taylor is entitled to recover compensatory damages from Joyful Garringer for past pain and suffering, future pain and suffering, past medical expenses, future medical expenses, lost wages, impairment of their power to labor and earn money, property damage, loss of use damages and loss of spousal consortium damages in an amount in excess of \$75,000.00.

26. Upon information and belief, Joyful Garringer was operating her vehicle in a distracted manner while viewing her cellphone, which is reckless and/or wanton conduct that entitles Frank D. Taylor and Cynthia E. Taylor to recover in addition to their compensatory damages punitive damages in an amount in excess of \$75,000.00.

WHEREFORE, the Plaintiffs, Frank D. Taylor and Cynthia E. Taylor, seek the following relief:

1. Trial by jury;
2. Judgment against the Defendant, Joyful Garringer, as determined by a jury at the trial of this matter;
3. All costs herein expended; and
4. Any and all further relief to which they may appear entitled.

This 7th day of April, 2021.

Respectfully submitted,

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